

JAP:TJS

M-11-439

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)
and 960)

FOUDY DESMARATHES,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

FRANCISCO GONZALEZ, being duly sworn, deposes and states that he is a Special Agent with Department of Homeland Security, Homeland Security Investigations duly appointed according to law and acting as such.

Upon information and belief, on or about April 26, 2011, within the Eastern District of New York and elsewhere, defendant FOUDY DESMARATHES did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant

1. On April 26, 2011, defendant FOU DY DESMARATHES, arrived at John F. Kennedy International Airport in Queens, New York, aboard JetBlue Flight No. 822 from Santo Domingo, Dominican Republic.

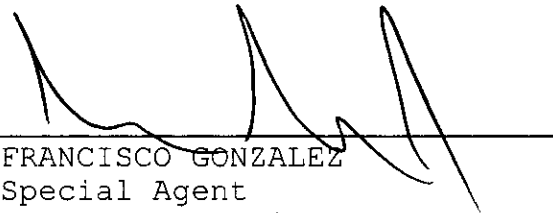
2. FOU DY DESMARATHES was selected by Customs and Border Protection Inspectors for a routine inspection. He presented his luggage for inspection. The inspector asked routine customs questions, establishing that FOU DY DESMARATHES owned the luggage and all of its contents.

3. When an inspector examined the luggage, the inspector noticed seven Goya Juice cans wrapped in a white bag and sealed with clear tape. The inspector opened the white bag and saw that four of the cans were labeled Mango Juice and three of the cans were labeled Cocktail Juice. The inspector opened one Cocktail Juice can and saw a liquid and noticed a strong chemical smell. The inspector then opened one Mango Juice can and noticed the same smell. The inspector then escorted FOU DY DESMARATHES and his luggage to a private search room for further examination. The inspector tested the liquid from one can and it field-tested positive for cocaine. At that point, FOU DY DESMARATHES was placed under arrest.

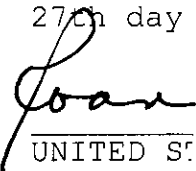
facts and circumstances of which I am aware.

4. The total gross weight of the cocaine found in defendant FOUDY DESMARATHES luggage is approximately 2621.6 grams.

WHEREFORE, your deponent respectfully requests that the defendant FOUDY DESMARATHES be dealt with according to law.


FRANCISCO GONZALEZ
Special Agent
Homeland Security
Investigations

Sworn to before me this
27th day of April, 2011


UNITED STATES
EASTERN DISTRICT OF NEW YORK
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